

CIRCULAR LETTER NO. 458

(This letter supersedes Circular Letter No. 426)

August 13, 2012

TO ALL BRITISH COLUMBIA LAND SURVEYORS

Re: Section 58 Land Act Applications

Section 58 of the *Land Act* provides a mechanism whereby a land owner proposing to subdivide may apply to the Minister for a declaration of intention with respect to the ownership of a bed of a body of water, watercourse or a Crown owned road shown on a Crown grant tracing.

Please note that section 58 cannot be used to transfer roads shown on a Crown grant tracing that are deemed to be highway as defined in section 1 of the *Transportation Act* to private ownership.

The Surveyor General has been delegated the authority to adjudicate applications pursuant to section 58 of the *Land Act*.

If doubt exists whether land is included in a grant, or whether it is in the public interest that the part coloured other than in red on a Crown grant tracing need be retained by the province, an application may be made to the Surveyor General.

An application must contain the information outlined in the application checklist (<http://www.ltsa.ca/cms/application-checklist>). Applications should be submitted through the Electronic Filing System (EFS).

The applicant must clearly express why the application area is no longer required to remain as provincial land or, if a body of water or watercourse no longer exists, an explanation as to why it no longer exists needs to be provided. Any unnatural interference with the subject area must be documented. The onus is upon the land surveyor to provide conclusive evidence to support the application.

Upon receipt of a complete application, it will be referred for comment to provincial government agencies and may be referred for comment to local governments and other interested parties or agencies.

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If the Surveyor General deems it necessary to carry out a site inspection, the inspection will be conducted by a Deputy Surveyor General and the applicant will be responsible for expenses incurred to conduct the inspection.

Upon completing the adjudication of an application, the applicant will be notified of the outcome in writing. If conditional approval is granted, the final plan must be submitted to the Surveyor General for certification within six months of the date of the conditional approval.

If an application is disallowed, the Surveyor General will consider any new information provided by the applicant for up to three months after the date of notification to the applicant. Upon the conclusion of this three month period the file will be closed.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Mike Thomson".

Mike Thomson, BCLS
Surveyor General of British Columbia